

# SENATE BILL No. 47

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 24-4-9.5; IC 35-43-4-3.3.

**Synopsis:** Conversion by failure to return rented property. Requires a lessor to include in a rental or lease agreement: (1) the date, time, and place that a leased item must be returned; and (2) the potential criminal penalties faced by a person who violates the terms of a rental or lease agreement. Makes it a Class D felony if a person knowingly or intentionally fails to return a leased motor vehicle or item of personal property with intent to deprive the property owner of the use of the property.

**Effective:** July 1, 2009.

**Steele**

January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 47

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 24-4-9.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]:

4 **Chapter 9.5. Rental and Lease Agreements**

5 **Sec. 1. A lessor shall include the following in a rental or lease**  
6 **agreement for a motor vehicle or an item of personal property:**

7 (1) **The specific date, time, and place that the motor vehicle or**  
8 **item of personal property being rented or leased must be**  
9 **returned.**

10 (2) **The potential criminal penalties the lessee may be subject**  
11 **to for violating the terms of the rental or lease agreement.**

12 SECTION 2. IC 35-43-4-3.3 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 2009]: **Sec. 3.3. (a) A person who knowingly or intentionally fails**  
15 **to return a leased or rented:**

16 (1) **motor vehicle; or**

17 (2) **item of personal property that has a value greater than**

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1           five thousand dollars (\$5,000);  
 2           to a location and by a date specified in a written agreement with  
 3           intent to deprive the owner of the motor vehicle or item of personal  
 4           property of the use of the motor vehicle or item of personal  
 5           property commits rental conversion, a Class D felony.

6           (b) Subject to subsection (d), evidence that a person who leases  
 7           or rents a motor vehicle or an item of personal property described  
 8           in subsection (a):

9           (1) fails to:

10           (A) return; or

11           (B) make arrangements acceptable to the lessor of the  
 12           motor vehicle or item of personal property to return;  
 13           the motor vehicle or item of person property to the specified  
 14           location described in subsection (a) not later than ten (10)  
 15           days after receiving proper notice from the lessor following  
 16           expiration of the written agreement; or

17           (2) knowingly or intentionally provides identification that  
 18           contains a false name or address to lease or rent the motor  
 19           vehicle or item of personal property and fails to return the  
 20           motor vehicle or item of personal property within the  
 21           specified time described in subsection (a);

22           constitutes prima facie evidence of a violation of subsection (a).

23           (c) For purposes of subsection (b)(1), proper notice must:

24           (1) be sent to the person who leased or rented the motor  
 25           vehicle or item of personal property:

26           (A) after the written agreement described in subsection (a)  
 27           expires;

28           (B) by certified mail, return receipt requested; and

29           (C) to:

30           (i) the address provided by the person at the time the  
 31           person leased or rented the motor vehicle or item of  
 32           personal property; or

33           (ii) any other known address of the person; and

34           (2) include a statement that failure to return the motor vehicle  
 35           or item of personal property not later than ten (10) days after  
 36           receiving the notice may subject the person to criminal  
 37           prosecution.

38           (d) Subsection (b)(1) does not apply if:

39           (1) the rented or leased property is a motor vehicle that has a  
 40           defect that:

41           (A) renders the motor vehicle inoperable; and

42           (B) makes the return of the vehicle to the location specified

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1           in subsection (a) difficult or expensive for the person who  
2           leases or rents the motor vehicle; and  
3           (2) the person who leases or rents the motor vehicle notifies  
4           the lessor of the defect not later than ten (10) days after  
5           receiving the proper notice under this section.

6           SECTION 3. [EFFECTIVE JULY 1, 2009] IC 35-43-4-3.3, as  
7           added by this act, applies only to crimes committed after June 30,  
8           2009.

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